

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
VALDOSTA DIVISION**

UNITED STATES OF AMERICA

v.

LEON McCUTCHINS,

Defendant.

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CASE NO: 7:23-cr-35 (WLS)

ORDER

Previously, the Court provided the Parties with notice that this case was scheduled for pretrial conference on Tuesday, May 16, 2023, at 3:00 p.m. and for trial on Monday, June 5, 2023 (Doc. 16). In the event the case is not ready for trial, the Parties were ordered to file a motion to continue at least two days prior to the date of the noticed pretrial conference. (*Id.*) The Defendant filed a timely Unopposed Motion to Continue Trial in the Interest of Justice (Doc. 19) (“Motion”) stating that the Federal Defenders of the Middle District of Georgia, Inc. was appointed to represent Defendant on April 17, 2023, and Defendant’s first appearance occurred on April 17, 2023. Defense Counsel filed her Notice of Appearance and Request for Discovery on April 19, 2023, but as of the date of the Motion has not had time to receive and review the discovery with Defendant. Nor has she had the opportunity to investigate any matters discussed with Defendant to determine the next steps in this case. Defense Counsel represents that she conferred with Government’s counsel, Assistant United States Attorney, Monica Lenora Daniels, and she does not oppose the Motion. Defense Counsel further states that the ends of justice served by granting the continuance outweigh the best interests of the public and the United States Attorney’s Office¹ in a speedy trial.

Based on the Defendant’s stated reasons, the Court finds that a continuance is required for Defense Counsel to effectively prepare for trial. The Court further finds the ends of justice

¹ In order to satisfy 18 U.S.C. § 3161(h)(7)(A)-(B), the Court assumes Defendant’s Counsel intended to state that the ends of justice served by granting the continuance outweigh the best interests of the public and the *Defendant* in a speedy trial, and the Court so finds based on the statements in the Motion.

served by granting such a continuance outweigh the best interests of the public and the *Defendant* in a speedy trial. 18 U.S.C. § 3161(h)(7)(A)-(B). Therefore, the Motion (Doc. 19) is **GRANTED**. The Court hereby **ORDERS** that the trial in the above-referenced matter be **CONTINUED** to the Valdosta Division August 2023 term and its conclusion, or as may otherwise be ordered by the Court.

Furthermore, it is **ORDERED** that the time lost under the Speedy Trial Act, 18 U.S.C. § 3161, be **EXCLUDED** pursuant to 18 U.S.C. § 3161(h)(7) because the Court has continued the trial in this case and finds that the failure to grant a continuance would (a) likely result in a miscarriage of justice, and (b) deny Defense Counsel the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. *See* 18 U.S.C. § 3161(h)(7)(B)(i), (iv).

The May 16, 2023 pretrial conference is **CANCELLED**.

SO ORDERED, this 25th day of April 2023.

/s/ W. Louis Sands

W. LOUIS SANDS, SR. JUDGE
UNITED STATES DISTRICT COURT